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Monthly Report of the Secretary-General on Darfur

I. Introduction

1. The present report is submitted pursuant to paragraphs 6, 13 and 16 of Security Council resolution 1556 (2004) of 30 July 2004, paragraph 15 of Council resolution 1564 (2004) of 18 September 2004, paragraph 17 of Council resolution 1574 (2004) of 19 November 2004 and paragraph 12 of Council resolution 1590 (2005) of 24 March 2005.

II. Insecurity in Darfur

2. The ceasefire in Darfur generally held until the final week of July, which saw an upsurge in clashes between the armed movements and Government forces. The Sudan Liberation Army (SLA) attacked two convoys that were being escorted by Government security forces on 23 July on the Nyala-El Fasher road. This was swiftly followed by Government attacks on SLA positions in the same area. The Government stated that it had used aircraft for observation during the attack and denied claims by SLA that it had struck villages from the air. My Special Representative, in discussions with the African Union (AU) Special Representative, has been able to confirm the Government's account of events. However, this use of aircraft is deplorable. The international community had welcomed the restraint shown by the Government in recent months, in accordance with its own pledge, as well as with Security Council demands, to refrain from using aircraft in offensive operations. I urge the Government to stand by its undertakings in this regard.

3. The clearest trend to emerge over the present reporting period is a considerable rise in abductions, harassment, extortion and looting, by both the Justice and Equality Movement (JEM) and the Sudan Liberation Movement/Army (SLM/A), victimizing civilians and jeopardizing humanitarian activities. The abduction of national staff of non-governmental organizations reached alarming proportions at the beginning of July, with 10 members of non-governmental organizations being held by SLA. Six people have been released, but four individuals abducted in Western Darfur are still being detained. The armed movements also abducted teams from the Ministry of Health carrying out polio vaccinations in Northern and Southern Darfur. Though they subsequently released the drivers, they have not returned the cars. As a result, this vaccination campaign was not able to reach people living in some areas where SLA is active.

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4. Taken together, these trends suggest that the leadership of the armed movements are failing to adhere to the Humanitarian Ceasefire Agreement (the N'Djamena Agreement of April 2004) and related protocols and to restrain their fighters from criminal behaviour.

5. Banditry continues to plague Darfur's main roads, especially on the Nyala-Geneina road. Even convoys escorted by the police are attacked by groups of armed men. Thefts from United Nations and non-governmental organization compounds also continue, with humanitarian offices in Kalma camp suffering numerous break-ins. Burglaries have now become almost a nightly event for the non-governmental organizations in Nyala. Although Southern Darfur has suffered worse than other areas this month, such incidents routinely occur across the region.

6. Janjaweed attacks on villages and markets have continued, especially in Northern Darfur, but the principal motivation seems to be theft of livestock and casualty figures have been low. The Government still shows no intention of disarming these militia and is yet to hold a significant number of them accountable for the atrocities of earlier months.

III. Human rights and protection

7. The bill of rights contained in the interim constitution adopted this month offers a chance to demonstrate ways in which the peace agreed between the North and the South can benefit all Sudanese people by improving human rights protection. Following the formation of the Government of National Unity, the state of emergency was lifted in most of the Sudan. However, it remains in place in Darfur and in the east of the country. In this regard, the Government must ensure that non-derogable international human rights, which cannot be suspended during a state of emergency, are fully respected in Darfur.

8. The Special Criminal Court for the events in Darfur, which was established by the Government on 7 June, began proceedings this month. There are currently four cases before the Special Court, dealing with charges of rape, armed robbery, illegal possession of firearms and unlawful killing of persons in custody. These crimes allegedly occurred between December 2004 and March 2005. Two of the cases involve charges against members of Government armed forces and military intelligence, while the other two involve charges against civilians, including one minor.

9. The establishment of the Special Court is a positive development. However, none of the cases before the Special Court addresses the major violations of human rights and international humanitarian law that took place during the conflict in Darfur during 2003 and 2004; nor do the cases address the criminal responsibility of senior officials.

10. I am also concerned about procedures adopted for the Special Court. From the beginning, no special procedures have been in place for protecting minors, whether as victims or as alleged perpetrators. Each case has had to be adjourned owing to the non-attendance of witnesses who had been given insufficient notice, or no notice at all, of the hearing. Trial procedures must meet with international fair trial standards and, if the Special Court is to be true to the spirit of the mandate under which it was established, this must be reflected in the selection of cases.

11. The Government has not done enough to prevent the persistent sexual violence and physical abuse by armed men against internally displaced women and girls. Arab militia are still present around large gatherings of internally displaced persons, and violence and impunity continue. Despite the new police policy confirmed by the Government after long consultations with the United Nations, and despite promises made at various levels, the police remain reluctant to undertake appropriate investigations when complaints are made. The result is that perpetrators go unpunished. I welcome the announcement by the Government on 18 July that it has established a new committee to investigate and eliminate violence against women. Once the committee begins functioning, it will be important for it to address the concerns expressed about sexual violence against women.

12. Another concern is the availability of medical treatment to victims of sexual violence. Despite Government agreement with the United Nations Mission in the Sudan (UNMIS) that victims should be free to receive medical treatment without first reporting to authorities, the policy still does not appear to have been widely disseminated to the police at the state level. As indicated in my last report, the Joint Implementation Mechanism subcommittee on protection and human rights had agreed on 29 May to provide further written clarification on the mechanism for gathering medical evidence, known as form 8. UNMIS and the national Advisory Council for Human Rights drafted a clarification document, which was intended to be issued before 20 June. The Ministry of Justice has not yet issued the clarification. The Government should, as a matter of priority, finalize the clarification document and ensure its consistent implementation by the police throughout Darfur.

13. There are indications that the presence of AU and its patrols directly result in a decrease in both sexual and gender-based violence and other violations of human rights. The introduction of fuel-efficient stoves in camps for internally displaced persons has further reduced the exposure of girls and women venturing outside the camps in search of fuel wood. However, continued harassment and the climate of impunity and fear result in strong restrictions on the population's movement. There are reports of militia threatening the displaced and resident populations alike, denying free movement by imposing practices of extortion or "protection fees".

14. As at the end of July, there were 42 international human rights officers, including United Nations Volunteers, deployed in United Nations offices in Nyala, Geneina, El Fasher, and Zalingei. However, insecurity in some areas of Darfur has impeded access by these observers. I therefore welcome the cooperation agreement established in July between UNMIS and the African Union Mission in the Sudan (AMIS), under which AMIS has agreed to provide assistance to human rights observers through the provision of transportation and security escorts to, and within, vulnerable areas. This cooperation, aimed at expanding the area that human rights observers will be able to monitor, is expected to provide a more comprehensive picture of the human rights situation in Darfur. A framework for information-sharing between AMIS and the human rights officers has been established and human rights training for AU forces has been provided.

15. I urge the new Government of the Sudan to attend to the issue of returns, ensuring that they take place in accordance with international humanitarian law, respect for human rights and the agreements signed with the international community. There is concern that Government agents are putting pressure on, and in some instances forcing, internally displaced persons to relocate, in particular in

Southern Darfur. I have also been informed that the property and land of internally displaced persons has in some cases been unlawfully appropriated or occupied. I fear that, in addition to changing the demographic composition of the region, such secondary occupation will complicate the return process and exacerbate the challenges concerning land and property rights that lie ahead. It is the responsibility of the Government to establish the proper conditions for the voluntary return of refugees and internally displaced persons, which include the disarmament of militias and ending the current climate of violence and impunity, as well as protecting the land and property of displaced persons.

IV. Humanitarian situation

16. Expanded outreach by around 12,500 aid workers has averted a humanitarian catastrophe, with no major outbreaks of disease or famine reported. A huge number of displaced persons affected by the conflict and drought are being assisted by 13 United Nations organizations in collaboration with 81 international non-governmental organizations. As at 1 July, approximately 3.2 million people were in need of assistance. With the lean season (when food is traditionally scarce) now well under way, an increasing number are relying on external food aid. A further increase of 240,000 beneficiaries over the previous month is due to a combination of factors, including seasonal conditions, loss of livestock and reduced trade activity, as well as ongoing registrations and improved access. The number of internally displaced persons remains stable at close to 1.9 million.

17. Heavy rains are adding to the problems in Darfur. Flooding prompted the relocation of internally displaced persons in some camps and emergency interventions to safeguard minimum sanitary conditions in all three Darfur states. Moreover, rains are hindering road access to various parts of the region. In Western Darfur, the World Food Programme had to resort to food airdrops to remote parts of Jebel Marra at the end of July. At a time when humanitarian assistance has to rely increasingly on air operations, funding gaps risk constraining the delivery of life-saving assistance.

18. Insecurity in camps for internally displaced persons in Western Darfur is a major concern. On 8 July, the registration process was violently disrupted in seven out of eight such camps around Geneina and 10 humanitarian workers were wounded. Violent incidents again took place on 16 July during a food distribution in Mornei camp, where exchanges of gunfire between armed elements and Government police killed 2 and injured 15 to 20 people. Most humanitarian staff were forced to evacuate the camp. On both occasions, there was strong evidence of incitement by sheikhs within the camps, whose manipulation of the ration-card system is threatened by the registration process. As a result, the delivery of humanitarian relief activities has been seriously affected. I would expect more cooperation from the authorities, in both Western Darfur and Khartoum, to use their influence to ease tensions and keep order so that food aid reaches those in need and the safety of humanitarian workers is ensured.

19. The security situation has also frayed the economic fabric of the region, with significantly reduced agricultural activities and livestock assets and diminished commercial exchange of goods and cattle. During the 2004 planting season, it was estimated that less than 30 per cent of arable land was cultivated; in 2005 this

percentage is likely to decline even further. The effects are expected to be severe and long lasting. Given the current insecurity and with the planting season well under way, no major spontaneous returns of internally displaced persons to their villages of origin are expected to take place until 2006.

V. Darfur peace process

20. The Declaration of Principles for the Resolution of the Sudanese Conflict in Darfur, signed in Abuja on 5 July, has been favourably received in Darfur. The third armed movement in Darfur, the National Movement for Reform and Development, has been quoted as agreeing to abide by the Declaration of Principles when it met the Government in El Fasher on 19 July. My Special Representative met in July with the Darfur Forum, a broad-based unaffiliated Sudanese civil society organization, which argues that the armed movements do not represent all the people of Darfur and seeks participation in talks with the Government. As expressed in the Declaration of Principles, it will be important to initiate a comprehensive inter-Darfurian dialogue following the Abuja talks. This will allow the concerns beyond those of the parties, for example the concerns of the non-fighting groups and civil society, to be addressed. My Special Representative and his staff are already discussing with such parties the conditions under which such a dialogue would lead to a sustainable peace.

21. The Declaration of Principles was an important milestone, creating political momentum for the Abuja process by providing an outline for a peace agreement to be discussed by the parties starting on 24 August. The forthcoming round will, for the first time, address complex and divisive issues, such as sharing power and wealth, necessitating careful preparations beforehand.

22. The AU mediator for the talks, Salim Ahmed Salim, intends to contact the partners in the run up to the next round in order to discuss the way forward and my Special Representative is scheduled to meet with him ahead of these talks. UNMIS has also started exploring ways in which it could further support AU, both substantively and technically through the provision of experts, as well as through the provision of logistical support for participants attending the talks.

23. My Special Representative is meeting regularly with representatives of the Government of the Sudan, set to engage in Abuja as the Government of National Unity for the first time. The Sudan People's Liberation Movement/Army (SPLM/A) has a key role to play in the forthcoming talks.

24. Although internal divisions within SLM/A remain rife and will undoubtedly pose a challenge to the next round, the signing of an agreement between SLM/A and JEM in Tripoli on 18 July will go some way towards unifying the rebels' positions on key issues. However, renewed fighting between the Government of the Sudan and SLM/A on 23 July threatens to complicate further the next round of talks.

VI. United Nations support to the African Union Mission in the Sudan

25. The expansion of AMIS continues. Additional Nigerian and Rwandan troops, as well as military observers from a number of AU member States, have recently

been airlifted into Darfur. At the end of the reporting period, there were 4,361 AMIS personnel in Darfur, of whom 3,690 were military and 634 civilian police. The total authorized strength of AMIS, including military, police and civilian staff, is 7,730.

26. To complement this increase in the size of AMIS, the United Nations, at the request of the AU Commission and with the support of key partners, including the United States of America, the European Union and the North Atlantic Treaty Organization, began preparations in July for a mapping exercise. That exercise will consolidate command and control procedures within AMIS and ensure that AMIS can deploy its resources to maximum effect and support the integration of the military, civilian police and humanitarian components of the Mission. It is scheduled to take place in Darfur from 17 to 26 August.

VII. Observations

27. While the daily rate of casualties from fighting has declined in recent months, the damage to the social and economic fabric in Darfur and the longer-term costs of this conflict are steadily becoming clearer. The descent into lawlessness by the armed movements, unprecedented criminality in Nyala and violence against humanitarian workers and property in some camps for internally displaced persons is a dangerous pattern that demands urgent corrective action by the parties.

28. This trend is symptomatic of the damage caused by prolonged, violent conflict. Economic life in Darfur has been depressed to the extent that declining revenue for Nyala has reduced the town's administrative structures to a point of near breakdown. Internally displaced persons crowded into camps for an indefinite period and cut off from their traditional patterns of living are vulnerable to psychological as well as physical insecurities, falling prey to rumour and cynical manipulation that inspire acts of violence directed even at those who have come to Darfur to assist.

29. The parties have a clear responsibility to improve this situation. Firstly, they must control their military commanders and reverse the slide into predatory warlordism and criminal behaviour. Secondly, they should prepare to reach agreement at the coming round of talks in Abuja on matters related to the sharing of power and wealth, which are at the root of the conflict in Darfur. I urge both parties to recognize that despite some stabilization of the security situation in Darfur, at a deeper level, living conditions are steadily deteriorating. The longer the parties allow this climate of "no war, no peace" to continue, the higher the price to be paid for restoring safety, dignity and prosperity to the lives of all people in Darfur.

30. In the meantime, AMIS continues to take the lead in international efforts to address security concerns in Darfur. AMIS must be brought to full strength and full operational capability as quickly as possible. In addition to the challenges of generating troops, civilian police and other personnel for the expansion of AMIS, the AU Commission is also facing serious budgetary difficulties even as it continues to deploy. I have written to major partners of AU to urge them to fill the funding gap identified by AU. It is important for them to respond generously. I also encourage the AU Commission to establish clear priorities within the AMIS budget, so that critical needs can be addressed as soon as possible.

31. At the end of the reporting period, on 30 July, a helicopter carrying John Garang de Mabior crashed in Southern Sudan killing all on board. Mr. Garang, who was Chairman of SPLM/A, had recently been appointed First Vice-President of the Sudan in the Government of National Unity and President of the Government of Southern Sudan. There was every expectation that his participation in the Government of National Unity would have had a positive impact on efforts to resolve the crisis in Darfur. His death is a terrible blow for the Sudan.

32. When the Abuja peace talks reconvene on 24 August, the parties must seize the opportunity to honour the memory of Mr. Garang, by negotiating an end to the conflict and giving the people of Darfur a full voice in the future of a just, prosperous and united Sudan.